

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

EMMITT G. ROSCOE,	)	
Plaintiff,	)	Civil Case No. 7:23-cv-00026
v.	)	
	)	By: Elizabeth K. Dillon
CORRECTIONAL OFFICER SAWYERS,	)	United States District Judge
Defendant.	)	

**ORDER**

Plaintiff Emmitt G. Roscoe, proceeding *pro se*, filed this civil rights action pursuant to 42 U.S.C. § 1983. By order entered February 14, 2023, the court dismissed the case without prejudice after Roscoe failed to timely file his prisoner trust account and statement of assets in support of his request to proceed *in forma pauperis*. Approximately two weeks later, on February 27, 2023, the Clerk received from him a motion for extension of time to file those documents, as well as a notice of change of address. (Dkt. Nos. 4, 5.) In it, he also appears to be requesting that the court “order prison administration of Maryland Department of Corrections,” where he is now housed, to provide the requested financial information. It is unclear whether he had received the dismissal order at his new address at the time he filed those documents, but he does not reference it.

In light of the entire record, the court construes Roscoe’s motion (Dkt. No. 5) as a motion to reconsider the court’s dismissal, and that motion is GRANTED. The Clerk is DIRECTED to re-open this case to the active docket of the court. Additionally, Roscoe’s motion for extension is GRANTED, and he shall have until May 31, 2023 to file the information required by the court’s January 10, 2023 order. If he does not file the information by that date, this case may be dismissed without prejudice for failure to comply.

Lastly, the court will not order the Maryland Department of Corrections to take any particular step, but it requests that the authorities who have information about Roscoe's prison accounts for the months of July 2022 through December 2022—whether that is the Virginia Department of Corrections or personnel at his current facility—complete the required forms and return them to Roscoe. The court requires those documents to proceed with his application to proceed *in forma pauperis*.

The Clerk is DIRECTED to send a copy of this order to Roscoe, and to send him an additional copy of the court's January 10, 2023 order with enclosures (Dkt. No. 2).

Entered: April 19, 2023.

*/s/ Elizabeth K. Dillon*

Elizabeth K. Dillon  
United States District Judge